

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JANE DOE,

Plaintiff,

v.

Civil Action 2:20-cv-459

Judge James L. Graham

Magistrate Judge Karen L. Litkovitz

ANDREW K. MITCHELL, et al.,

Defendant.

**RULE 26(f) REPORT**

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on 05/12/2020 and was attended by:

Sara M. Valentine, Esq., counsel for plaintiff(s) Jane Doe,

David A. Goldstein, Esq., counsel for plaintiff(s) Jane Doe,

Janet R. Hill Arbogast, Esq., counsel for defendant(s) City of Columbus,

Joseph M. Gibson, Esq., counsel for defendant(s) City of Columbus,

Scott C. Walker, Esq., counsel for defendant(s) Andrew K. Mitchell,

Thomas J. Novack, Esq., counsel for defendant(s) Andrew K. Mitchell,

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. **CONSENT TO MAGISTRATE JUDGE**

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

       Yes       X   No

2. **INITIAL DISCLOSURES**

Have the parties agreed to make initial disclosures?

  X   Yes            No            The proceeding is exempt under Rule 26(a)(1)(B)  
If yes, such initial disclosures shall be made by 07/14/20.

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

       Yes        X   No

If yes, describe the issue:

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by \_\_\_\_\_.

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by       08/03/2020      .
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by \_\_\_\_\_.

5. MOTIONS

- a. Are there any pending motion(s)?

       Yes        X   No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

- b. Are the parties requesting expedited briefing on the pending motion(s)?

       Yes        X   No

If yes, identify the proposed expedited schedule:

Opposition to be filed by \_\_\_\_\_; Reply brief to be filed by \_\_\_\_\_.

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand: Plaintiff Jane Doe brings this Civil Action pursuant to 42 U.S.C. §§ 1983 and 1988 against former Columbus police officer Defendant Mitchell for his use of excessive force, and relatedly a *Monell v. Department of Social Services of New York*, 436 U.S. 658 (1978) action against Defendant City of Columbus and Defendant Does. There is a jury demand.

7. DISCOVERY PROCEDURES

- a. The parties agree that all discovery shall be completed by 05/12/21. The parties agree to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court. To initiate a telephone conference, counsel are directed to join together on one line and then call the Magistrate Judge's chambers or provide the Court with a call -in number.

- b. Do the parties anticipate the production of ESI?   X   Yes        No

If yes, describe the protocol for such production: The parties shall produce all ESI on a flash drive. ESI shall include all information related to the case, including but not limited to native files such as user-created documents, which could be in Microsoft Office or OpenDocument file formats, as well as other files stored on computer, but could include video surveillance footage saved on a computer hard drive, computer-aided design files such as blueprints or maps, digital photographs, scanned images, archive files, e-mail, text messages, and digital audio files, among other data. All ESI shall be produced in PDF format. ESI shall include personal devices, including but not limited to cellular phones and laptops. All emails produced shall be produced in chronological order. All email chains shall be kept in one PDF file.

- c. Do the parties intend to seek a protective order or clawback agreement? Yes.

If yes, such order or agreement shall be produced to the Court by 07/30/2020.

8. DISPOSITIVE MOTIONS

- a. Any dispositive motions shall be filed by 06/16/2021.

- b. Are the parties requesting expedited briefing on dispositive motions?

       Yes       X       No

If yes, identify the proposed expedited schedule:

Opposition to be filed by                   ; Reply brief to be filed by                   .

9. EXPERT TESTIMONY

- a. Primary expert reports must be produced by 02/12/2021.

- b. Rebuttal expert reports must be produced by 03/29/2021.

10. SETTLEMENT

Plaintiff(s) will make a settlement demand by 08/11/2021. Defendant will respond by 09/10/2021. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference. The Court refers cases to settlement throughout the year. The parties request the following month and year:

November 2021

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

       Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place                      in chambers        by telephone.

  X   No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Indicate any other matters for the Court's consideration:

Plaintiff intends to file a Protective Order to keep the identity of Jane Doe confidential.

Signatures:

Attorney for Plaintiff(s):

/s/ David a. Goldstein, per authority  
Counsel for  
Plaintiff  
Bar #  
0064461

/s/ Sara M. Valentine  
Counsel for  
Plaintiff  
Bar  
#0098685

Attorney for Defendant(s):

/s/ Scott C. Walker, per authority  
Counsel for Defendant Andrew K. Mitchell  
Bar # 0063631

/s/ Thomas J. Novack, per authority  
Counsel for Defendant Andrew K. Mitchell  
Bar # 0038570

/s/ Janet R. Arbogast, per authority  
Counsel for Defendant City of Columbus  
Bar # 0061955

/s/ Joseph M. Gibson, per authority  
Counsel for Defendant City of Columbus  
Bar # 0084587

Date: 05/13/2020